

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JUAN PABLO CHAVEZ,

Plaintiff,

v.

**MARKO RODIN; LISA MARIE WILSON
SEDONA CHARTER SCHOOL; JOHN
DOES 1-10; and ONE LOTUS, LLC,**

Defendants.

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Civil Action No. **3:18-CV-440-L**

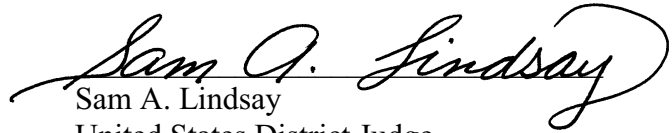
ORDER

This case was referred for screening to United States Magistrate Judge Renée Harris Toliver, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on February 23, 2018, recommending that the court dismiss without prejudice this action pursuant to 28 U.S.C. § 1406(a) for improper venue. The magistrate judge notes that the court has authority to transfer the case in the interest of justice to any district or division in which the action could have been brought but advises against transferring the case because it was only recently filed, and Plaintiff appears to have filed similar cases in other jurisdictions. No objections to the Report were filed.

After reviewing the pleadings, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses without prejudice** this action pursuant to 28 U.S.C. § 1406(a) for improper venue.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”). *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court concludes that any appeal of this action would present no legal point of arguable merit and would therefore be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 31st day of May, 2018.


Sam A. Lindsay
United States District Judge